

ORIGINAL FOR JUDGE

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RECEIVED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

APR 29 2008 *new*
APR 29 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JAMES WORTHEM

08CV2444
JUDGE HART
MAG. JUDGE NOLAN

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

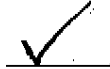
vs.

Case No: _____
(To be supplied by the Clerk of this Court)

Michael Nolan
SCOTT, M.R. # 5180
Ferraro, J # 6619
Chief of C.P.D. Dana Starks

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:



COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)



COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)



OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: JAMES WORTHEN
- B. List all aliases: David Scott
- C. Prisoner identification number: 2007-0071905
- D. Place of present confinement: COOK County Jail
- E. Address: 2700 S. California St, Chicago IL, 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: MR. Michael Nolan
 Title: Uniformed Chicago Police Officer
 Place of Employment: 5555 W Grand St, Chgo IL, 60639, 25th Dist Station
- B. Defendant: SCOTT M. R. Badge # 5180-(PCOV237)
 Title: Plain clothes Detective of C.P.D.
 Place of Employment: 5555 W Grand St, Chgo IL, 60639 - 25th Dist Station
- C. Defendant: Ferraro J - Badge # 6619 (PCOT303)
 Title: Plain clothes Detective for C.P.D.
 Place of Employment: 5555 W Grand St, Chgo IL, 60639, 25th Dist Station

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D. * Dana Starks

* Chief of C.P.D.

* 3510 S. Michigan ² 5th floor Chicago IL, 60653

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: James Warthen v. Deputy "Boyle" 07c6589
- B. Approximate date of filing lawsuit: 11/21/07
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: James Warthen (AKA) David Scott
- D. List all defendants: Sheriff Deputy/Bailiff "Boyle"
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois
- F. Name of judge to whom case was assigned: Honorable Judge Leinenweber
- G. Basic claim made: Excessive force/Assault
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Motion to leave of file in forma pauperis is granted.
- I. Approximate date of disposition: 2/4/08

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

- A. 07C 6687 - James Worthem v. Tom Dart Etc.
- B. 11/28/07
- C. James Worthem (AKA) David Scott
- D. DR. Corasquillo, DR A. Ting, paramedic Ms. Douglas, Tom Dart, Chief Wright, Godinez.
- E. Northern District of Illinois
- F. Honorable Judge Leinenweber
- G. Health and safety violations / Red spots.
- H. Granted in leave of forma pauperis
- I. ?

IV continued

- A) James Worthem v. Jennifer Hall etc, case # 07C-7255
- B) 12/27/07
- C) James M Worthem (AKA) David Scott
- D) Michael Moore and Jennifer Hall
- E) Northern District of Illinois
- F) Honorable Judge James B Zagel
- G) Deliberate Indifference, Gross Negligence and Const. Amend 8 and 14 Violations
- H) Granted in leave of forma pauperis.
- I) 3/11/08

IV - continued

- A) James Worthem v. Tom Dart, Chief of Police for C.I.P.D, Godinez. # 08C1210
- B) 2/28/08
- C) James Worthem (AKA) David Scott
- D) Tom Dart, Salvador Godinez and Dana Starks.
- E) Northern District of Illinois
- F) Honorable Judge Leinenweber
- G) Posting notice of Rights Violation
- H) Dismissed / terminated
- I) 3/5/08

IV CONTINUED

- A) OBC 1512 JAMES WORTHEN V. TOM DART ETC.
- b) 315108
- C) JAMES WORTHEN (AKA) DAVID SCOTT
- D) TOM DART SHERIFF and DR. SALVADOR GODINEZ
- E) NORTHERN DISTRICT OF ILLINOIS
- F) HONORABLE JUDGE LEINENWEBER
- G) EXTORTION AND RACKETEERING
- H) STILL PENDING
- I) ?

*12 Copies of each

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

[illegible]

(1)

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

ON 4/22/07, At approx 5:30 p.m. My Doors to Apt at 3958 W Grand were viciously kicked open as nobody was home and this illegal act was done without any search warrant by the uniformed officer "Michael Nolan" from the 25th Dist. Police Station. Mr. Nolan did not come out of the premises with any evidence of any wrongdoing nor did he seize an alleged robbery suspect that he alleged on the stand at trial, he did however illegally arrest my common law wife "Annette Garcia" for an alleged assault on some robbery victim but she was released from the station hours later due to no probable cause but when she arrived at our Apt. she had discovered what I had already did before her arrival at 4:am on 4/23/07. our Doors were all still open and laying on the floor as they were kicked off it's hinges. all of our personal belongings were ransacked and a lot of our sentimental and material belongings were stolen and broken. the C.P.D. purposely, wantonly, and prejudicially left our private domain open to the public without a care in the world of our absolute rights under the 4th Amend of the U.S. Constitution. Now 26 hours after the illegal break in of my Doors to Apt. And of alleged robbery crime. on 4/23/07 at approx 6 or 7 pm I am walking down a public street with my walking cane. Revised 9/2007 When an unmarked police car slams on it's brakes and halts to a loud screeching stop, 3 Detectives jump out of their

(2)

Vehicle With Guns Drawn and yelling all sorts of Rude
obscenities towards me and with the use of extreme
excessive force I am hit in the shoulder by Detective
Scott with the butt of his Gun while Detective Ferraro
Slaps Me in the face so hard with a picture of me
that he held in the hand he hit me with while the 3rd
Unknown Detective Grabbed my cane and threw it away.
They all then cuff me up and tell me that I am under
Arrest and tell me that if I don't Give them any Drugs
and Guns that I would be charged for a robbery that they
knew I did not commit but what better candidate than I!
I told them of a place but they instead went back to my
Residence, Kicked back open the Doors that I had to nail
shut from their first breakdown 24 hours earlier. they
entered with my wife/Fiance present and as she Attempted
to tell them of their illegal entry, they told her to
"Shut the F*** up and Pushed her out of the way and
forcibly broke open a wooden cabinet that only contained
our important Documents along with a collection of old
coins and stamps that I collected since I was a Kid and
again they found nothing! So they charged me with this crime
of Robbery. I have been Denied my 6th Amendment Right
to effective assistance of counsel as I was forced to
be represented by a Public Defender from the Skokie
Court house. At trial⁵ the Arresting officers clearly
Admitted to not having any search — — — — — →

(3)

OK Arrest Warrants for My person or for entering My private domain forcefully, not peacefully, they even Admitted on the stand that I was not Doing anything unusual in their presence at the time of My Arrest nor did I Attempt to flee or Resist as I knew of my innocence of any wrongdoings. Officer "Michael Nolan" Also Admitted on the witness stand that he used excessive force when kicking down My doors to the privacy of My Apt. C.P.D. Claimed that "probable cause" is that A Robbery Victim picked me out of an array of different pictures off of a computer Along with a possible 6 other Guys shown to this Alleged victim but when defense requested that sole evidence, state failed to produce, even the Honorable Judge John S. Moran inquired of this Alleged probable cause on 11/5/07. So as to Disclose Discovery under Brady, the states only reply was that the C.P.D. had still not furnished those requested photos off of computer. C.P.D. Destroyed those photos and Just as I claimed from the very start, there never was any photos or any probable cause to illegally Search My Name, person nor seize My person. The state and C.P.D. is in extreme violation of My 4th and 14th Amendment Rights that is Absolutely Guaranteed to me by the United States Constitution against these highly Prejudicial and Injustice Actions by C.P.D. It is a well established fact that C.P.D. Destroyed the sole evidence that provided "probable cause" but yet the Judge found me guilty on 2/4/08 - I was astounded but yet I could not object because the court room bailiff of whom violently Assaulted me on 9/26/07 for Attempting to exercise My 1st Amend. Right at "freedom of speech" was purposely and prejudicially towards me was made to stand under the courts camera but within 10 to 15 feet of my person throughout the court proceeding.

(4)

At which was extremely uncomfortable to me to the point where I could actually feel the Deputy "Boyles" constant stare and glare at me and when I would look his way, he would ball up his fist and put a smirk on his face at which was all staged and an act of pure intimidation on his part. Since the bailiffs violent act on 9/26/07, the Judge never admonished nor had the bailiff removed for what he had done illegally to my person, it was all my legal options that I fully exercised in order to have the bailiff removed from the courtroom. This Judge also had me forcefully to wear shackles and box cuffs within his courtroom and I have never been an escape risk nor a threat to your honor or anybody else for that matter. This case is an extreme issue of "Malicious prosecution" under the 4th and 14th Amendments with tons of prejudicial issues towards my person. As a result of this wrongful incarceration I have personally suffered an extreme amount of loss. I have no more job, I am homeless, I have nowhere to go upon my release from custody, there is family problems because I'm not there to support my fiancé and kids anymore, my fiancé and I have separated, I have lost my vehicle truck to the creditors due to not being out there to keep up my payments and my mother is very sick and she very much has depended upon me for support. I have even been forced into a Supermax Security because an order of some sort was sent to C.I.D.I.C officials in that I had an altercation with the courtroom bailiff on 2/14/08, when in fact that was on 9/26/07 and I was the victim but I was sent to Div 9 from Div 5 on

(5)

2/7/08. on 2/4/08, the Judge, after Allowing the state to present its witnesses even while Defense counsel did not object due to his knowledge of the C.P.D. Destroying the Sole evidence that provided probable cause and is a Brady Discovery violation of the Defendants 14th Amend to the U.S. Const. The State should of been sanctioned for that extreme violation that the Judge too was aware of. I was found Guilty on 2/4/08 and I immediately began filing the necessary motions within the court so as too bring to the Judges attention of his "errors" in finding the Defendant Guilty without any probable cause, no search or Arrest warrants whatsoever and the P.D. Refused to accept anymore of my calls after this Constitutional violation, so I was too be sentenced on 3/10/08 but Due too my filings of motions, the Judge allowed me to go P.D.-se and P.D. Withdrew due to what I constantly stressed to the Judge of the P.D. incompetence and prejudice towards me, so I am too hear my motions on 4/10/08. Since my illegal Arrest by C.P.D. I have been physically Assaulted on numerous occasions, including one where I sustained stitches because others where somehow aware of my working with F.B.I. on the streets and I even told C.P.D. that if they illegally arrested me for a crime I didn't commit that my life would be in grave danger but they Refused to listen to Reason. I was even violently assaulted within the courtroom/outside the courtroom from a Deputy Bailiff for Attempting to exercise my 1st Amend Right at freedom of speech. My 4th, 5th, 6th, 8th, and 14th Amendments have been extremely violated Due to the C.P.D. illegally and falsely accusing me of a crime I didn't commit and under the color of law they are held responsible for all the physical and mental injuries I did sustain to my person. I seek Justice, I am listing other violations that follow.

(6)

Plaintiffs Rights.

- 1)* The Right Not to be Subjected to unreasonable force
- 2)* The Right to be let alone
- 3)* The Right not to be illegally arrested
- 4)* The Right not to have Apt Doors broken Down by C.P.D. illegally
- 5)* The Right not to have C.P.D. Illegally Arrest My Fiance
- 6)* The Right not to have C.P.D. Leave all My Apt Doors open to Public.
- 7)* The Defendant(s) acted under the color of Law.
- 8)* The Defendant(s) actions extremely Deprived Plaintiffs Rights.
- 9)* The Right not to be Wrongfully incarcerated
- 10)* The Defendants are Guilty of Deliberate indifference, Reckless or Gross Negligence
- 11)* The Plaintiffs 4th and 14th Amendments are violated by C.P.D.
- 12)* The Plaintiff has an Absolute Right to privacy within his home from any intrusion by C.P.D. no exigency nor any search warrant.
- 13)* The Plaintiff suffered Major losses Due to this illegal incarceration such as loss of Job, loss of family life, etc.
- 14)* The Defendants actions are Malicious, Wanton, and oppressive
- 15)* Defendants violated My 5th Amend Right to Life, Liberty and Happiness
- 16)* Plaintiff Requests an award for punitive Damages, in addition to nominal or compensatory Damages and Attorney's fees.
- 17)* The Plaintiff has suffered Multiple Assaults that would not have happen if it were not for this wrongful Arrest.
- 18)* The officers should be under strict scrutiny and punished for all their illegal actions including committing perjury on the stand.

18/ James Wortham
Plaintiff

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

To be Awarded With \$75 Million Dollars for the Wrongful Incarceration, the Loss of my Job, Vehicle, Apartment and all that I worked for so hard to get, I Request Damative and I am entitled to compensatory Damages as well for Physical and Mental injuries Sustained to my Person and for the Violation of my 4th and 14th Amendments Thank you. (No Probable cause either) * Malicious Arrest and Prosecution

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 22nd day of APRIL, 2008

James M. WORTHEN

(Signature of plaintiff or plaintiffs)

James M. WORTHEN
(Print name)

2007-0071905
(I.D. Number)

James Worthen

P.O. Box 089002

Chicago IL, 60608
(Address)

FOR THE JUDGE

AFFIDAVIT OF AFFIRMATION UNDER PENALTY OF PERJURY.

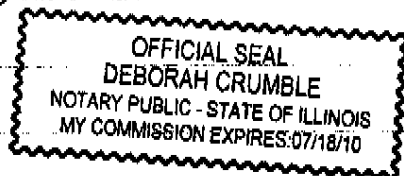
I, ANNETTE GARCIA, witness on behalf of JAMES M. NORTHEM # 07CRO9711 Do hereby declare and affirm under penalty of perjury as defined in "725 ZLCS 5/1-109 that Everything Contained herein is true and accurate to the best of My Knowledge and belief. I further declare and affirm that the contents of the foregoing document(s) are known to me And are accurate to the best of My Knowledge and belief. Finally I Do Declare and affirm that the Matter at hand is not taken either frivolously OR MALICIOUSLY and that I believe the foregoing matter is taken in good faith.

Signed on this 27th Day of
February, 2008

18/ Annette Garcia

Feb 27 2008

DLH/WH



I, Annette Garcia, was illegally arrested and charged with an assault on an Alleged Victim "Solis conception" on 4/22/07 at approximately 7pm but was later released from the 25th District Police Station at around 1am on 4/23/07. C.P.D. was witnessed by me not once but twice by kicking down 3 of our Apartment doors as nobody was home. C.P.D. had no search warrant and told me that they didn't need any search warrant nor did they visualize anybody going in or out of My Residence and they jumped over the back gate in order to gain entry to back porch. C.P.D. did not even knock and announce their presence, they drew guns and began kicking in my doors. I never gave C.P.D. the name of my common law husband, My mother Ivanita Ramirez called my cell phone while I was handcuffed and officer answered phone call and asked my Mom who my husband is. My Mother or I have ever witnessed "James Wirthem" commit any crimes nor have I ever been a reliable source or informant for C.P.D. James Wirthem is working hard out here and being a family man and taking responsibility for his family. We are both victims in this case, I never opened my Gate for James, he has his own house keys, why wouldn't I, it's our place and we pay rent. I was and am the victim of an illegal search and seizure and that's why C.P.D. let me go on an out bond because they never had any probable cause to search and seize my person in the first place. Also P.D. John Vaughn called me over the phone right before the start of trial on 1/22/08 and told me that even though I was sent a subpoena to testify on M.R. Wirthem's behalf as I was very much willing to do that I'd get into trouble and that my credibility wouldn't be good because I was now on parole and since I'm ignorant toward the legal world I got scared and didn't show up, but C.P.D. never showed me any photo of my

Common Law husband until after I was taken to the police station and long after the use of excessive force upon my Apt. Doors. Also take note that the same Judge John J. Moran of whom found James Warthen guilty, Also had me plead guilty to an offense of D.V.I. that I was not guilty of for a 1 year I.D.O.C. sentence that was later found to be wrong in C.P.D. officers of whom was discredited and publicized on the news of illegally writing up and arresting over 100 D.V.I. tickets but nobody has yet taken away this wrongful conviction. I was sentenced to 1 year on 8/3/07, everytime I appeared before the court, P.D. John Vongher constantly told me that he would set up a meeting for James and I together if I could convince James to back off and not to take a Jury trial and I even told P.D. that when the Detectives again broke down my doors, I seen them out of my back window throw something on the roof of the building, but when I asked them about that and of the reason why they again kicking down the doors that my husband had a nail shot, they then broke 2 padlocks off of a cabinet that held our private papers and they told me to shut the fuck up and that they were looking for drugs and guns. I then seen the Fire Dept come and get up on the roof but I still don't know what was retrieved if anything. This is my testimony and I'm willing to testify to the truth of all this and the court is wrong in finding James Warthen guilty of a crime he didn't commit and C.P.D. illegally arrested him without my arrest or search warrant and no probable cause whatsoever and the P.D. did not object to the states introduction of the witnesses testimony about some alleged pictures that provided probable cause over the internet but was destroyed and in violation of my husbands 4th and 14th Amendments. S/Bonnette Gaccia

*For The Judge***CHICAGO POLICE DEPARTMENT
ARREST REPORT**3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.420C (REV. 6/30)**FINAL APPROVAL**

CB #: 18868291

IR #: 744098

YD #:

RD #: HN299061

EVENT #: 0711216027

Name: WORTHEN, James M

a.k.a Scott, David

Res: 3958 W Grand Ave, #2ND FL R
Chicago, IL 60651

Beat: 2535

DOB: 11 June 1968

AGE: 38 years

POB: Illinois

SSN: 336-64-7104

DLN: W63545368 -IL

ARMED WITH Unarmed

Male

White

5' 10"

195 lbs

Blue Eyes

Brown Hair

Short Hair Style

Fair Complexion

Marks: Tattoo Left Side: Tribal Dragon on Neck
Tattoo Under Eye: Tear Drop on Right Eye
Tattoo Annette on Lower Left Arm
Tattoo Heather on Lower Right Arm

Arrest Date: 23 April 2007 18:55

TRR Completed? No

Total No Arrested: 1

Co-Arrests

Assoc Cases

Location: 1427 N Kildare Ave
Chicago, IL 60651
303 - Sidewalk

Beat: 2534

DCFS Ward ? No

Holding Facility: District 025 Male Lockup

Resisted Arrest? No

Dependent Children? No

Offense As Cited 720 ILCS 5.0/18-1-A
ROBBERY
Class 2 - Type F

Victim

Solis, Concepcion

Felony Review : Approved 24 APR 2007 03:11

O'Malley, Michael

State's Attorneys's Office

NO NARCOTICS RECOVERED

CB #: 16868291

WORTHEN, James

Chicago Police Department - ARREST Report

NO WARRANT IDENTIFIED

NOT WANTED

Name: SOLIS, Concepcion
 Res: 1232 N Hamlin
 Chicago, IL
 773-899-1539

Beat: 0

Male
 White Hispanic
 DOB:
 Age: 50 years

Comments:

Injured? No

Deceased? No

Hospitalized? No

Treated and Released? No

NO ARRESTEE VEHICLE INFORMATION ENTERED

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR WORTHEN, James, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT #15880 *****THIS IS A 025TH DISTRICT ROBBERY/PUBLIC VIOLENCE TEAM ARREST ***** WHILE CONDUCTING A ROBBERY INVESTIGATION R/O LEARNED THAT ABOVE WAS A WANTED OFFENDER FOR A STRONG ARM ROBBERY IN WHICH HE PUNCHED THE VICTIM, KNOCKED HER TO THE GROUND AND FLED THE SCENE WITH SAID PROCEEDS. R/O DISCOVERED OFFENDER WALKING IN THE VICINITY OF HIS RESIDENCE. PLACED HIM IN CUSTODY, ADVISED RIGHTS AND PROCESSED HIM IN 02TH DISTRICT. OFFENDER HAS ID AND NAME CHECK IS CLEAR SHOWING HIM TO BE CURRENTLY OF PAROLE.

Yes

Chicago Police Department - ARREST Report

CB #: 16869291

WORTHEN, James

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #5180 SCOTT, M R (PC0V237) 23 APR 2007 20:08

1st Arresting Officer: #5180 SCOTT, M R (PC0V237)

Beat

2566B

2nd Arresting Officer: #6619 FERRARO, J (PC0T303)

2566B

Approval of Probable Cause: #164 MURPHY, J J (PC0Q089) 23 APR 2007 20:13

I was
ARRESTED
AT 18:55 hours
on 4/23/07

Probable cause
1 hour 18 min
AFTER MY ARREST,
SUPPOSE TO BE BEFORE
MY ARREST.
(All illegal)

CB #: 16888291

Chicago Police Department - ARREST Report

WORTHEN, James

Holding Facility: District 025 Male Lockup
 Received in Lockup: 23 April 2007 20:21
 Prints Taken: 23 April 2007 20:32
 Palmprints Taken: Yes
 Photograph Taken: 23 April 2007 20:33
 Released from Lockup: 25 April 2007 06:00

Time Last Fed:
 Time Called: Phone#:
 Cell #: 7-3 - Placed in one person cell
 Transport Details : OTHER 2566B 23-APR-2007 18:57

Is there obvious pain or injury? No
 Is there obvious signs of infection? No
 Under the influence of alcohol/drugs? No
 Signs of alcohol/drug withdrawal? No
 Appears to be despondent? No
 Appears to be irrational? No
 Carrying medication? No

Presently taking medication? No
 (If female)are you pregnant? No
 First time ever been arrested? No
 Attempted suicide/serious harm? No
 Serious medical or mental problems? No
 Are you receiving treatment? No

24 APR 2007 09:38 11660 BASURTO, Saul (PC0M959) : 7-3

Name : REFUSED

Res:

Beat:

NO INTERVIEWS LOGGED

NO VISITORS LOGGED

Chicago Police Department - ARREST Report

CB #: 16868291

WORTHEM, James

Action	By	Destination	Reason
RELEASED BY	#1944	Ortega, Nicholas M (PC0P344)	23 APR 2007 21:51 District 025 Male Lockup
RECEIVED BY	#20447	Benavides, Ralph (PC0M517)	23 APR 2007 21:51 Area 5 <i>NEVER SPOKE TO</i> Line Up
RECEIVED BY	#16198	Ripley, Matthew A (PC0Y070)	24 APR 2007 03:12 District 025 Male Lockup

*Returned From A/5...
NEVER went there!*

Watch Commander Comments:

DOES NOT APPLY TO THIS ARREST

	Beat
Searched By: #16767 GUZIK, W G (PC0F057)	
Lockup Keeper: #13217 KNIAZ, S E (PC0U560)	
Assisting Arresting Officer: #18662 BEESE, D G (PC0H050)	2566A
Assisting Arresting Officer: #19423 CALLE, D L (PC0G177)	2566A
Assisting Arresting Officer: #4427 MOTYKA, J S (PC0V423)	2566B
Fingerprinted By: WILLABY, H D (PC0Y424)	
Detective: #20871 Pagan, Dennis (PC0S761)	24 APR 2007 03:11 5568 ?

	Beat
Final Approval of Charges: #596 SCHWIEGER, S M (PC0N914)	24 APR 2007 09:29

FOR THE JUDGE

FI

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

MAR 04 2008

DOROTHY BROWN
CLERK OF CIRCUIT COURT

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
-VS-)
)
JAMES WORTHEM)

No. 07CR 9711

MOTION FOR NEW TRIAL

Now comes the defendant, JAMES WORTHEM, by his attorney, EDWIN A. BURNETTE, Public Defender of Cook County, through JONATHAN VONGHER, Assistant Public Defender, after a finding of guilty and before sentencing and respectfully moves this Honorable Court to set aside the finding of guilty in the above-entitled cause and grant him a new trial, without prejudice to or waiving the later discovery of error in the trial record.

IN SUPPORT THEREOF, defendant states:

1. The State failed to prove the defendant guilty of the charge beyond a reasonable doubt.
2. The finding is against the weight of the evidence. The Court did not consider the defendant's testimony that he did not do the crime.
3. The defendant was denied due process of law. The Court should have excluded from its consideration all evidence obtained against the defendant after he was arrested without probable cause. *
4. The defendant was denied equal protection of the laws.

5. The State failed to prove every material allegation of the offense beyond a reasonable doubt.

6. The defendant did not receive a fair and impartial trial as guaranteed him under Article I, Sections 2,6,8 and 10 of the Constitution of the State of Illinois and under the Fourteenth Amendment to the Constitution of the United States.

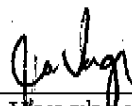
7. The Court erred in overruling the defendant's motion for a directed finding at the close of the State's case.

8. The finding is based upon evidentiary facts which do not exclude every reasonable hypothesis consistent with the innocence of the defendant.

WHEREFORE, for the various reasons urged before and during the trial and every error as may appear from the official transcript of proceedings, defendant requests a new trial.

Respectfully submitted,

EDWIN A. BURNETTE, #30295
Public Defender of Cook County

BY: 
Jonathan Wongher
Assistant Public Defender

This was made by the Public Defender only after they became aware of all my own timely motions filed on 2/29/08 and this A.P.D. not once "objected" to any of the states wrong doings and allowed me to be found guilty with the clear knowledge that C.P.D. destroyed the so-called evidence that allegedly provided probable cause. (Illegal incarceration to extreme)

(For Submission)

CMAK HEALTH SERVICES OF COOK COUNTY

15-10-1207

Medical Intake Form

Last Name: Scott First Name: David Date: 9-22-07
 Sex: ☒ M ☐ F Date of Birth: 9-1-22 CCDOC#: 070071905 Division: 510

Consent for Treatment

I consent to a medical and mental health history and physical including screening for tuberculosis and sexually transmitted diseases as part of the intake process of the Cook County Jail. I also consent to ongoing medical treatment by Cermak Health Services staff for problems identified during this process. I understand I may be asked to sign forms allowing other medical treatments. I understand that every effort will be made by CHS staff to keep my medical problems confidential. I understand the policy of CHS regarding access to health care at Cook County Jail.

David Scott
 patient's signature

Medical History

1. Seizures/ Epilepsy / Fits	Yes	No
2. Heart Trouble / Heart Attack	Yes	No
3. High Blood Pressure	Yes	No
4. Asthma / Emphysema	Yes	No
5. Diabetes	Yes	No
6. Cancer	Yes	No
7. Assistive Devices (prosthesis, cane, etc.)	Yes	No
8. Mental Illness	Yes	No
9. Tuberculosis	Yes	No
10. HIV/AIDS	Yes	No
11. Liver Disease (specify)/Hepatitis B/C	Yes	No
- ever had DTs (delirium tremens)	Yes	No
12. Kidney Disease	Yes	No
13. Peptic Ulcer Disease	Yes	No
14. Sickle Cell Disease	Yes	No
15 Other (specify)	Yes	No

Current Problems

1. On Medications (list)	<input checked="" type="radio"/> Yes	No
2. Under Doctor Care	Yes	No
3. Dental Problems (tooth ache, bleeding gums, etc., refer to dental if present)	Yes	No
4. Current Disabilities (assistance with ADL)	Yes	No
5. Recent trauma or hospitalization	Yes	No
6. Current cough, fever, night sweats	Yes	No
7. Current vaginal/penile discharge/sores /dysuria	Yes	No
8. Other (specify)	Yes	No
9. Females - Menstrual History - LMP	/	/
Currently pregnant	Yes	No
Number of past pregnancies / deliveries	/	/

Remarks (reference by question number)

Form Reviewed:
 Date 10-7-07
 Sick-Call Needed: Y / N

Scheduled: 10/30/07

-by Jung

15 GSW to back x 2006

Blunt trauma 4/07

neurontin

Allergies: NKA

Understands English? ☒ Y ☐ N

Substance Use

Substance Use	Tobacco	Alcohol	Injection Drug Use	Illicit, Non-Injection	Methadone	Other
How Long ? (years)	<u>Y/N</u>	<u>Y/N</u>	<u>Y/N</u>	<u>Y/N</u>	<u>Y/N</u>	<u>Y/N</u>
Last Used (today, yesterday, 1 week etc.)		<u>1987</u>				
How much per day?		<u>2006</u>				
		<u>6 pk</u>				

Comments:

C Wallace CMT/ERT
 signature of CMT/Paramedic/Title



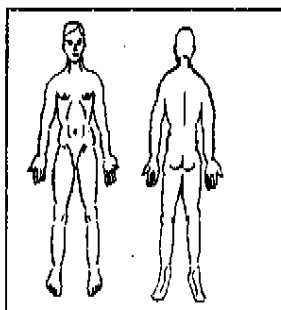
PATIENT LABEL

CERMAK HEALTH SERVICES of COOK COUNTY - Primary Health Assessment

Last Name: Worham First Name: James Date: 1/1 Time: CCDOC No: 2007-0071905 DOB: 6/11/68Vitals: Temp: 97.8 BP: 117/69 Pulse: 71 RR: 20 Weight: 180

Assessment: Normal Abnormal

Oral Cavity: ☐ ☐
 Caries ☐ ☐
 Thrush ☐ ☐
 Other (sores, masses, abscess) ☐ ☐
 Heart Sounds: ☐ ☐
 Lung Sounds: ☐ ☐
 Skin/extremities: ☐ ☐



Explain Abnormal Findings:

Oral Hygiene Education Yes No

Referred to Dental? Yes No

Referred to: ER / PA

provider signature CMT / ERT

Secondary Health Assessment

DATE: TIME:

Past Medical History: ☐ Asthma ☐ CAD ☐ Cancer ☐ Diabetes ☐ HTN ☐ HIV ☐ Hepatitis B/C
☐ Seizures ☐ PUD ☐ Substance Abuse ☐ TB ☐ Psych ☐ Other:

Recent Hospitalization:

HPI/ROS:

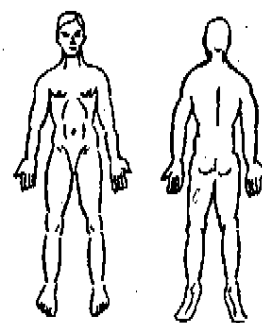
Spoke to Ophthalmology & Hypo & Surgery
on MARCH 300 mg

Physical Exam:

neg 27A

clear

Ophthalmology & Hypo →
Speaker G



Assessment/Plan/Referrals:

Patient Education On: Smoking Alcohol Substance Abuse Oral Hygiene
 (circle all discussed) Obesity STDs Violence Prevention

Follow-up:

Special Diet:

MD/PA-C

Provider signature, title

FOR THE JUDGE/Honorable

INDEPENDENT POLICE REVIEW AUTHORITY
CITY OF CHICAGO
Citizen Interview Report

Date 30 Jan 08LOG/EO/U# 1012711

☒ Complainant ☐ Victim ☐ Witness (check one)

Telephone ☐ In Person ☒

Name of Person Interviewed James Worthen SS#/Form of ID 334-64-7104 Sex M Race W Date of Birth 11 JUN 68
 Address 1540 N. HARDING, Apt 1st Fl Telephone No. 773-276-1052 Work or Other Contact No. _____
 Location of Incident 1427 N. KIDARE AVE. Date of Incident 23 APR 07 Time of Incident 1855 hr
 Location of Interview COOK COUNTY Jail (DIV 5) Time of Interview 1019 hr
 Investigator ROBERTO SOTO #21 Other Person(s) present CORRECTIONAL OFFICER BEN PEREZ #787

The following is in essence but not verbatim a summary statement taken of the above named person relative to allegation(s) of misconduct by a Chicago Police Department member.

JAMES WORTHEN STATED THAT HE CAN READ, WRITE AND SPEAK ENGLISH.

WORTHEN STATED THAT ON DATE AND TIME IN QUESTIONED HE WAS WALKING NORTHBOUND WHEN A SPEEDING UNMARKED POLICE CAR STOPPED IN FRONT OF HIM. WORTHEN STATED THAT THREE CASUALLY DRESSED OFFICERS EXITED THE POLICE CAR. WORTHEN IDENTIFIED TWO OF THE OFFICERS AS PO SCOTT AND FERRARO. WORTHEN STATED THAT THE THIRD OFFICER, PO #3 WAS ABOUT 5'10", 6'0", 180-190 lbs, BLONISH HAIR, LATE 20'S-EARLY 30'S. WORTHEN STATED THAT ALL THREE OFFICERS POINTED THEIR GUNS AT HIM. WORTHEN STATED THAT PO FERRARO HAD A PICTURE OF HIM AND ASKED HIM IF THAT WAS HIM. WORTHEN RESPONDED THAT IT WAS HIM. PO FERRARO THEN STATED, "OF COURSE ITS YOU, YOU SON-A-BITCH" AND SCAPPED WORTHEN ON THE FACE.

James Worthen Tel 02

INDEPENDENT POLICE REVIEW AUTHORITY

PAGE 2Statement of: JAMES WORTHENLOG/U/EO # 1012711

WORTHEN STATED PO SCOTT HAD HIS GUN POINTED AT HIM AND STRUCK HIM ON THE RIGHT SHOULDER WITH THE BUTT OF HIS GUN. WORTHEN STATED THAT PO# 3 GRABBED HIS WALKING CANE AND THREW IT AWAY. WORTHEN WAS THE HANDCUFFED AND TAKEN TO THE 025TH DISTRICT AND PLACED INSIDE AN INTERVIEW ROOM.

WHILE INSIDE THE INTERVIEW, WORTHEN STATED THAT PO# 3 STATED TO HIM, "WE KNOW YOU DIDN'T DO THIS. GIVE US SOME GUNS AND DRUGS AND WILL LET YOU GO. IF YOU DON'T, WE KNOW YOU ARE ON PAROLE AND, WHAT BETTER CANDID THAN YOU TO GO DOWN FOR THIS."

WORTHEN STATED THAT HE PROVIDED THE OFFICERS WITH AN ADDRESS, 1536 N. HARDING. WORTHEN STATED THAT HE WAS APPROACHED ANOTHER MALE/WHITE OFFICER ^{Superv.} WHO HE DESCRIBED AS A ~~STATE POLICE~~ MID TO LATE 40'S BLACK/GRAY HAIR, ENTERED THE INTERVIEW ROOM.

WORTHEN STATED THAT THE ^{Police} SUPERVISOR INFORMED HIM THAT IT WAS COMMON ~~BE~~ PRACTICE TO SIGN AN UNKNOWN DOCUMENT WHICH HE SIGNED

***After having read this summary of 2 page(s) and being provided with the opportunity to make any corrections, additions, or deletions, I find it to be a true and accurate summary of the interview I had with Investigator Sudo on 30 JAN 08

Signature of Person Interviewed

James Worthen

Signature of Investigator

[Signature]

Other Person (s) Present

For the Honorable Judge

INDEPENDENT POLICE REVIEW AUTHORITY

Date 05 Feb 08

CHICAGO POLICE DEPARTMENT

Citizen Interview Report

Log #1012711

Complainant X Victim Witness (check one)

Name of Person Interviewed	SS#/Form of ID	Sex	Race	Date of Birth
Annette Garcia	6200-0068-8383G	F	H	21 Aug 68

Address	Telephone No.	Work or Other Contact No.
1540 N. Harding, Chicago, IL 60651	773-875-6138	

Location of Incident	Date of Incident	Time of Incident
3958 W. Grand Ave.	22 Apr 07	1710 hours
	25 Apr 07	2000 hours

Location of Interview	Time of Interview
O.P.S., 10 W. 35 th St.	1000 hours

Investigator Roberto Soto #251

The following is in essence but not verbatim a summary statement taken of the above named person relative to allegation(s) of misconduct by a Chicago Police Department member.

Annette Garcia stated that she can read, speak and understands English. Garcia stated that she entered the hallway to her apartment building when she was approached by three uniformed male/white officers. Garcia stated that she could not identify or provide a description of the officers. Garcia stated that she could only recall that one of the officers was very tall.

Garcia stated that the officers began to question her about some unknown person who they refused to identify. Garcia stated that the officers told her that someone had pointed her out as the girlfriend of someone. Garcia stated that the officers did not tell her who they talking about. Garcia stated that the officers asked her to open her entrance door to her apartment and she refused. Garcia stated that she was handcuffed in the hallway and the officers asked her to show them the rear entrance to her apartment.

Garcia stated that her cell phone rang and one of the officers took her cell phone and answered it and spoke to her mother. Garcia stated that the officer asked her mother for the name of her boyfriend and provided his name as James Worthem. Garcia was escorted to the rear of the building and one of the officers jumped over the fence and proceeded to kick the rear door open.

The officers escorted Garcia inside the apartment and began to search around. Garcia stated that the officers noticed that her bedroom door was closed and the officers requested that she unlock the door and she refused. At that point, one of the officers kicked opened the bedroom door and searched it. Garcia stated that she was taken to the 025th District station and was questioned about the whereabouts of Worthem who is the father of her children. Garcia stated that she was shown a photograph and Worthem and told the officers that Worthem was the father of her children. Garcia stated that she was released from the police station at about 0400 hours, on 24 Apr 07.


Garcia stated when she arrived at her apartment, she noticed that the doors were opened. Garcia stated that she discovered a stereo in the living room, \$250 USC, a 27" TV, a smaller TV, DVD, a cell phone, a ring, DVD movies and a cell phone were missing from her apartment. Garcia stated that she does not know who took her items but believes that the officers left her apartment unlocked when they took her to the police station. Garcia stated that she did not make a police report on the missing items.

Annette Garcia

Continued Statement of Annette Garcia
Log#1012711
Page#2

Garcia stated that she was not sure but believes that it was on 25 Apr 07, about 2000 hours, when three other male/white officers kicked opened the rear door and entered her apartment. Garcia stated that she could not identify the officers and could only describe the officers as wearing casual clothing and one of the officers as being tall. Garcia asked the officers what they wanted and they told her to shut the fuck up. Garcia stated that the officers left and she told the officers not to come again because she was leaving. Garcia stated that she walked out of her apartment along with the officers and went to her mother's house which was not too far away. Garcia stated that the officers damaged her rear door and broke open two locks to her cabinets.

After reading this summary of 2 pages and being provided with the opportunity to make any corrections, additions, or deletions, I find it to be a true and accurate summary of the interview I had Investigator Roberto Soto #118, on 05 Feb 08.


Victim, Annette Garcia


Inv. Roberto Soto #118